

ARTICLE XLII.

HABEAS CORPUS.

Jurisdiction and Procedure.

1. What courts and judges may issue.
2. In term or vacation.
3. Any person detained in custody may apply for.
4. Service and return.
5. One day for every twenty miles.
6. In what cases immediate return may be ordered.
7. Duty of sheriff in such cases.
8. Penalty for failure to obey writ in such cases.
9. Penalty for failure to obey writ in ordinary cases.
10. Person detained entitled to true copy of commitment; penalty for refusal to furnish copy.
11. Hearing and order of court.
12. Return may be traversed; witnesses may be summoned.
13. When court not in session or judge absent, on return of writ, any other judge may hear the case.

14. Person delivered not to be afterwards imprisoned for same offense; qualifications.
15. Penalty for refusing to grant writ.
16. Person committed to custody of officer not to be removed into custody of other officer; qualifications.
17. Judge discharging person on the ground that law under which he was arrested is unconstitutional shall file opinion and transmit the papers to court of appeals for immediate review.

Procedure in Relation to Minors.

18. Commitment of minors to juvenile institutions.
19. What is private custody within meaning of section 20.
20. Minors brought upon *habeas corpus* from private custody; what orders court may pass.

Jurisdiction and Procedure.

1904, art. 42, sec. 1. 1888, art. 42, sec. 1. Const. art. 4, sec. 29. 1876, ch. 373.
1880, ch. 6, sec. 1.

1. The court of appeals and the chief judge thereof shall have the power to grant the writ of *habeas corpus*, and to exercise jurisdiction in all matters relating thereto throughout the whole State. The circuit courts for the respective counties of this State, and the several judges thereof, out of court, the superior court of Baltimore city, the court of common pleas of said city, the circuit court and circuit court No. 2 of Baltimore city, and the Baltimore city court, and the judges of said several courts, out of court, and the judge of the court of appeals from the city of Baltimore, shall have the power to grant the writ of *habeas corpus*, and to exercise jurisdiction in all matters pertaining thereto.

Courts and judges are clothed with jurisdiction to issue *habeas corpus* at all times and in all places throughout the state. *Deckard v. State*, 38 Md. 203.

Any attempted restriction upon the power of judges over the writ of *habeas corpus* is unconstitutional. This, however, does not affect other portions of the act of 1880, ch. 6. *State v. Glenn*, 54 Md. 596.